

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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THOMAS W. SHELLEY,

ORDER

Plaintiff,

08-cv-647-bbc

v.

MICHAEL J. LECHLEITNER, GARY A. SCHNECK,  
CHAD BILLEB, TROY PAULS, JENNY HOLZ  
and JOHN DOES,

Defendants.

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In an order entered on January 31, 2011, I granted plaintiff leave to proceed on his claim that defendants Gary Schneck, Michael Lechleitner, Chad Billib, Troy Pauls, Jenny Holz and John Does kept him from receiving a probable cause hearing for over 48 hours and on his claim that defendant Chad Billeb violated his Sixth Amendment right to counsel by barring him from calling a lawyer. I directed plaintiff to serve his amended complaint and supplement, dkt. #'s 20, 22, as well as the December 7, 2010 screening order, dkt. #21, and the January 31, 2010 screening order, dkt. #24, upon defendants. I further instructed plaintiff to file a copy of each signed waiver of service of summons with the court in compliance with Fed. R. Civ. P. 4(d)(4) as soon as he receives the signed waivers from

defendants. The court has not received the signed waivers from plaintiff or any other proof of service on the defendants. However, on March 28, 2011, the court received a document from plaintiff titled Second Supplement to Amended Complaint. This submission contains a letter addressed to defendant Gary Schneck, which instructs Schneck to forward the Second Supplement to the Amended Complaint to counsel. This letter implies that perhaps defendants may have already been served with the documents listed above. To clear this up, plaintiff may have until April 15, 2011 to submit to the court the signed waivers of service of summons forms from each defendant. In the event that plaintiff did not receive the signed waiver forms from the defendants, plaintiff must notify the court of this and explain what steps he has taken to serve his complaint.

One additional matter requires comment. Plaintiff's latest submission shows that he is now incarcerated at the Marathon County jail. Plaintiff is reminded that he is required to notify the court of any change of address.

IT IS ORDERED that plaintiff may have until April 15, 2011, to either submit the signed waivers of service of summons forms from defendants Gary Schneck, Michael Lechleitner, Chad Billib, Troy Pauls, Jenny Holz or notify the court of the steps he has taken to serve his complaint on the defendants. If, by April 15, 2011, plaintiff fails to submit proof of service or show good cause for his inability to do so, the clerk of court is directed

to enter judgment dismissing this case without prejudice for plaintiff's lack of prosecution.

Entered this 30th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge